

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
  
AUG 22 2006  
  
JOHN F. CORCORAN, CLERK  
BY: *John F. Corcoran*  
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**TOMMY PABELLON,** ) **Civil Action No. 7:06cv00491**  
Petitioner, )  
v. )  
**TERRY O'BRIAN, WARDEN** ) **FINAL ORDER**  
Respondent. )  
By: Samuel G. Wilson  
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above-captioned suit is **DISMISSED** without prejudice. This action is stricken from the active docket of the court.

Pabellon is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

**ENTER:** This 24 day of August, 2006.

UNITED STATES DISTRICT JUDGE